

**AGENDA
PLANNING COMMISSION
REGULAR MEETING and
PUBLIC HEARING
March 23, 2023, 5:00 PM**

**COMMISSION ATTENDANCE IN PERSON
PUBLIC MAY ATTEND IN PERSON OR
REMOTELY VIA ZOOM**

Join Zoom Meeting

<https://us06web.zoom.us/j/81636617943?pwd=b1VSSTBQdGFBS2MxQVpUUEExKVEZzd09>

Meeting ID: 816 3661 7943

Passcode: 666122

Find your local number: <https://us06web.zoom.us/u/keEjmh1c>

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the Planning Commission meeting, please email your comments to erodriguez@medical-lake.org by 2:00 p.m. the day of the commission meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 2:00 p.m. will be provided to the Planning Commission in advance of the meeting.

Questions or Need Assistance? Please contact City Hall at 509-565-5000

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

- a) Approval of or Additions to Agenda
- b) Excused Absences

2) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

3) APPROVAL OF MINUTES

- a) February 23, 2023, Meeting minutes

4) STAFF REPORTS

5) SCHEDULED ITEMS

- a) EWU Planning Presentation
- b) Education Packet for New Commission Members
- c) Planning Commission Rules of Procedure

6) PUBLIC HEARING

- a) Application LU 2022-004 TA, Proposal to amend MLMC Section 7.42.020 to allow shipping containers under certain circumstances.

7) COMMISSION MEMBERS' COMMENTS OR CONCERNS

8) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

9) CONCLUSION

City of Medical Lake
124 S. Lefevre Street – City Council Chambers
Planning Commission Meeting and Public Workshop
February 23, 2023, Minutes

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

- a) Commissioner Hudson called the meeting to order at 5:02 pm, led the pledge of allegiance and conducted roll call. All members present.
- b) Approval of or Additions to Agenda
 - i) Motion to approve agenda made by commissioner Munson, seconded by commissioner Mayulianos, carried 5-0.
- c) Excused Absences - none

2) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) Tammy Roberson – commented and thanked commissioner Mayulianos for how she ran the last meeting. Shared commentary on goals and mission of a Planning Commission. See attached.

3) APPROVAL OF MINUTES

- a) **January 26, 2023**, Regular Meeting and Public Workshop minutes
 - i) Commissioner Munson suggested correction to Section 7(a), changing Mayo to Mayulianos.
 - ii) Commissioner Mark suggested change to Section 6(a)(iii), strike “our” and replace with “municipal code”.
 - iii) Motion to approve minutes as amended made by commissioner Munson, seconded by commissioner Mayulianos, carried 5-0.

4) STAFF REPORTS

- a) Elisa Rodriguez, City Planner
 - i) Shared regarding the first read of the Critical Areas Ordinance 1108 at the City Council meeting on February 21, 2023. City Council voted to approve the first read with minor punctuation and grammatical corrections.

5) SCHEDULED ITEMS

- a) Planning Commission Rules of Procedure
 - i) The following are suggested amendments that will be presented for a vote at the next Commission meeting:
 - (1) At this point in the meeting, a Zoom participant reported that there was no sound. The meeting was paused, and recording was stopped in order to restart the system and correct the issue. Once corrected, the meeting and recording resumed.
 - ii) Discussion was held and changes suggested by commission members. Legal counsel, Sean King, made the comment that at the previous meeting, each proposed amendment was introduced and voted on individually. He suggested to keep consistency, that the commission continue with the same process.
- b) Commissioner Mark motioned to introduce under section 1.3, change “excused members” to “member”. Seconded by commissioner Munson, carried 5-0.
- c) Commissioner Mark motioned to introduce under section 3.2, second line, change “his” to “his/her”. Seconded by commissioner Mayulianos, carried 5-0.
- d) Commissioner Mark motioned to introduce on page 7, Public Participation: Tips for Talking with the Commission, sixth bullet point, spell out the number then follow with number in parentheses i.e. “three (3)”. This keeps consistency with section 7.2, second paragraph, fourth and fifth lines which is addressing the same topic. Seconded by commissioner Jorgenson, carried 5-0.
- e) Commissioner Mark motioned to introduce on page 7, Public Participation: Tips for Talking with the Commission, second bullet point, sixth line, revise to add “Medical Lake” into address. Seconded by commissioner Mayulianos, carried 5-0.
- f) Commissioner Mayulianos motioned to introduce in section 2.1, changing time of meeting to 6 pm rather than 5 pm, seconded by commissioner Munson, carried 5-0.

- g) Commissioner Mayulianos motioned to introduce in section 6.2 change to allow for commission members to vote to recuse a member with a possible conflict of interest (they present to the commission and they vote), rather than the commission member making that decision solely. Legal counsel determined that this subject needs to be reviewed and reported on at the next meeting, therefore no vote was taken.
 - h) Commissioner Mayulianos motioned to introduce in section 7.2 removing the requirement of community members to state their address and instead only provide whether or not they are residents of the city. Seconded by commissioner Mark, carried 5-0.
 - i) Commissioner Mayulianos motioned to introduce in section 7.2 (citizen comments) changing the speaking time limit from 3 to 5 minutes. Commissioner Munson asked Commissioner Mayulianos for her reason behind the additional minutes. She responded that she thought it was necessary to get the speakers point across. Seconded by commissioner Mark, carried 5-0.
 - j) Commissioner Mayulianos motioned to introduce in section 7.2 an addition to reflect that educational presentations are given fifteen minutes. Seconded by commissioner Jorgenson, carried 5-0.
 - k) Commissioner Mayulianos motioned to introduce in section 7.5 addition of language to include that any written communications must be submitted by 2pm the day of the meeting. Seconded by commissioner Mark, carried 5-0.
 - l) Commissioner Mayulianos motioned to introduce in section 8, making the last paragraph “Amendment of These Rules” subsection 8.2. Seconded by commissioner Mark, carried 5-0.
 - m) Commissioner Hudson motioned to introduce in section 4.1 a change to agenda format making Line 2 Additions to Agenda and moving the remaining line items down. Seconded by commissioner Mayulianos, carried 5-0.
 - n) Commissioner Hudson motioned to introduce in section 5.4 changing motions to reconsider to bring into line with Robert’s Rules of Order, seconded by commissioner Mark, carried 5-0.
 - o) Commissioner Mayulianos motioned to introduce in section 1.3 change to require members to attend in person when at all possible, with exception of illness or travel. Seconded by commissioner Jorgenson. Commission then discussed adding catch-all term “or good cause” for exceptions. Motion carried 5-0.
 - p) Commissioner Mayulianos motioned to postpone a vote on last month’s proposed changes and instead combine them with tonight’s. This will allow members to vote on all proposed changes at next month’s meeting. Seconded by commissioner Mark, carried 5-0.
- 6) **PUBLIC WORKSHOP** – Continued from December 15, 2022, and January 25, 2023, Meetings
- a) Application LU 2022-004 TA, Proposal to amend MLMC Section 17.42.030 to allow shipping containers under certain circumstances.
 - b) City Planner, Elisa Rodriguez gave a recap of discussion from last meeting and procedure thus far, explained purpose of the workshop. Explained the role of commission is to provide direction as how to proceed with the application process. Reminded commissioners any change to the ordinance will affect all businesses/citizens city-wide and the decision must be non-biased. All consensus building must be done within Planning Commission meetings. Gave examples of the types of decisions that could be made. Explained that this is not the final decision tonight, only providing guidance for prepping the staff report.
 - c) Mr. Stoker shared comments on why he is requesting the text amendment.
 - d) Brent Lucas, Senior Planner with the City of Cheney shared a presentation regarding shipping containers and how they have been allowed in Cheney.
 - i) Discussion held and commission members asked questions.
 - e) Mr. Stoker discussed other businesses that currently have shipping containers as well. Shared that they are much more cost-effective and enables them to not raise rates.
 - f) Commissioners discussed and shared their thoughts.
 - g) Commissioner Hudson asked the Commission how they would like to proceed. Commissioner Munson shared his experience appraising properties with shipping containers. He concluded by stating he does not consider them attractive and does not support changing the Municipal Code to allow them. Commissioner Mayulianos agreed. Commissioner Mark stated that she had visited the shipping container locations in town. She used the container at 1005 E Barker as an example of how a shipping container can be made to be attractive. She sympathizes with those who have used containers as an economical alternative for storage. However, she is in agreement with commissioners Munson and Mayulianos, and does not support changing the municipal code.
 - h) Commissioner Mayulianos motioned to direct the City Planner to deny the request to change the MLMC. Seconded by commissioner Jorgenson, carried 5-0.
 - i) Public Hearing will be held at the next meeting.

7) **COMMISSION MEMBERS’ COMMENTS OR CONCERNS**

- a) Commissioner Mayulianos asked if the commission has a mission statement. Would like to develop an education packet for new commission members (to include a mission statement).
 - i) Commissioner Mayulianos motioned to add to the next agenda a discussion about developing a welcome packet, list of goals, and mission statement. Seconded by commissioner Jorgenson. Commissioner Mark shared that she and commissioner Munson both received a welcome packet, so there already is one. Commissioners Mayulianos and Jorgenson both indicated that they never received a packet. Motion carried 4-1, with commissioner Mark abstaining.
- b) Mrs. Rodriguez suggested that the commissioners look at the City of Medical Lake’s Comprehensive Plan which includes a vision statement and the MLMC section on the Planning Commission before the next meeting to help with this discussion.

8) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) Tammy Roberson – asked for clarification on the proposed change to the “motion to reconsider” section of the Planning Commission Rules of Procedure (see section 5(n) above). Commissioner Hudson offered an explanation for the proposed change.

9) CONCLUSION

- a) Motion to conclude the meeting made by commissioner Mayulianos, seconded by commissioner Mark. Motion carried 5-0 and meeting concluded at 7:16 pm.

Date: _____

Roxanne Wright, Administrative Assistant

DRAFT

Effective ML Planning Commission Goals

(Compiled by Tammy Roberson, ML City Resident—Feb 2023)

City of Medical Lake (ML) Planning Commission's purpose and objective is to provide **citizen review and recommendations** on planning-related matters to City Officials and City Council.

- ◆ **Recognize the right of citizens to influence decisions.**
- ◆ Encourage citizens involvement and promote the public's interest in the planning process and ensure coordination to reconcile conflicts. Serve as a sounding board for new ideas – outreach to educate.
- ◆ Involve broad and diverse segments of the community in planning efforts to assure the final plan fully addresses community needs -- provides the public with a sense of ownership over the plan.
- ◆ **Be thorough and diligent.**
- ◆ Recognize the dedication, time, and work commitment truly needed to be properly prepared to discuss issues intelligently.
- ◆ Take personal obligation seriously. City Council members are counting on your responsibility and assurance to do an excellent job in doing the necessary homework to stay current.
- ◆ Vote on only those proposed code ordinances which are fully understood and easy to apply. If standards are subjective in nature, they are difficult to enforce.
- ◆ Stay informed -- several days in advance, review the portions of the comprehensive plan, SMP, and the zoning ordinances that are relevant to each agenda item.
- ◆ Read/comprehend the agenda packet ahead of time -- come prepared to participate totally in the meeting for the business to be discussed.
- ◆ Educate yourselves in the details of the items at issue so you are able to fully understand public concerns.
- ◆ Attend meetings regularly, communicate openly, listen, be objective, ask questions, give citizens a meaningful opportunity to participate and seek solutions.
- ◆ Share responsibility for free flow of ideas and discussions among everyone present at a meeting including applicants, staff, members of the public and the commissioners themselves – open communications.
- ◆ Disclose upfront any perception of conceivable personal interests - avoid conflicts of interest. NOTE: Conflict of interest situations come up not only when there may be an actual conflict, but also when there may be a perception by others that there is a conflict.
- ◆ Be sensitive to the community's "level of tolerance" in cases where the conflict of interest is not clear cut.
- ◆ Remember just because an action is legal doesn't mean that it is ethical -- being ethical means doing the right thing for the community regardless of personal costs.
- ◆ Serve the public interest by sharing information and being fair, transparent, and unbiased – not tainted with prejudice regarding matters that come before them. The law says your actions must appear fair as well as be fair in fact. A proposed code ordinance must be clearly understood by the Commission.
- ◆ Be mindful of the relevant criteria or considerations affecting the issues when listening to testimony.
- ◆ Provide recommendations based on thoughtful deliberation, community values, and professional advice.
- ◆ Support your findings/recommendations in writing with detailed reasons.
- ◆ Act in total dedication to your community by stepping aside in a timely way when you know in your heart that it's time for you to do something else (perhaps due to personal, family, or business obligations demanding more time).

- ◆ Take responsibility by holding yourself to the highest ethical standards since the Commission holds considerable power in how our community grows and develops.

NOTE 1: Above statements taken from the following online sources:

- ❑ *MRSC Planning Commissions overview.*
- ❑ *The Planning Commissioner's Role, Westport Municipal Code.*
- ❑ *What is the Plan Commission & How Does It Work?*
- ❑ *RCW 36.70A.020 Planning Goals.*
- ❑ *What is the Plan Commission & How Does It Work?*
- ❑ *A ShortCourse on Local Planning for Washington State Communities. ***
- ❑ *New to the Planning Commission? FAQs. ***
- ❑ *Effective Meetings for Appointed and Elected Officials. ***
- ❑ *Ethics & Planning Commission Conflicts of Interest – A First Look.*
- ❑ *Conflicts of Interest in Land Use Decision-Making (July 25, 2019 by Community-Planning Zoning).*

NOTE 2: ** taken from the WA State Department of Commerce Short Course on Local Planning.

May the force be with our wetlands and the future of Medical Lake.

Comments – February 23, 2023 Planning Commission Meeting (Interested Citizens)
(As Of: 23 Feb 2023)

Tammy Roberson and I am a City resident...

If needed only: Chair Hudson would you please state your local residence address. I do not expect an answer... My point is that in today's world, it is not a safe thing to give out your address to folks you do not really know or to those in the audience... This needs to be changed please in ML's Planning Commission Rules and Procedures. No personal information for security reasons.

Good evening, Planning Commissioners and City Officials,

I would like to thank the Planning Commissioners but especially, Commissioner Mayo (acting as Chair) for leading a friendly, informative, and very decisive meeting by taking immediate actions on agenda items. I felt no so-called tensions in the air – again, the meeting was very pleasant to attend for a change.

I also saw a major improvement whereby; the Commission had actually started to become an effective Planning Commission under Commissioner Mayo's leadership ability by recognizing the right of citizens to influence decisions by encouraging citizen participation.

I am hoping that this continues. I have compiled some effective Planning Commission goals gained from numerous online sources. These goals should be what Medical Lake's Planning Commission is striving for. Every organization should have goals, not to mention a mission statement.

Please remember, the Planning Commission's purpose and objective is to provide citizen review and recommendations on planning related matters to City Officials and City Council.

May the force be with our wetlands and the future of Medical Lake.

Tammy M. Roberson, 424 W Brooks



CITY OF MEDICAL LAKE PLANNING COMMISSION

RULES OF PROCEDURE

Adopted by Resolution 499
November 17, 2015

[Proposed amendments introduced into record at 1/26/23 Planning Commission meeting](#)

[Proposed amendments introduced into record at 2/23/23 Planning Commission meeting](#)

Planning Commission Rules of Procedure

1. General Rules

- 1.1 Meetings to be Public:** All official meetings of the Commission shall be open to the public. The journal of proceedings shall be open to public inspection.
- 1.2 Quorum:** A majority of the appointed membership of the Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum, at any regular or special meeting of the Commission, shall be deemed and taken as the action of the Commission.
- 1.3 Attendance, Excused Absences:**
Members of the Commission may be so excused by complying with this section. Members are required to attend in-person when at all possible, with exception to illness or travel. The member shall contact the City Administrator, Planning Director, or designee, or another serving Commissioner prior to the meeting and state the reason for his/her inability to attend the meeting. The contacted individual shall convey the message to the Chair. The Chair shall inform the Commission of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the members. For good cause, the Commission may excuse the absent member upon passage of such motion by a majority of Commission present, the absent member shall be considered excused and the Recorder will make an appropriate notation in the minutes. If the motion is not passed, the Recorder will note in the minutes that the absence is unexcused.
- 1.4 Journal of Proceedings:** A journal of all proceedings of the Commission shall be kept by the staff and shall be entered into an appropriate medium constituting the official record of the Commission.
- 1.5 Right of Floor:** Any member desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.
- 1.6 Rules of Order:** Robert's Rules of Order Newly Revised shall be the guideline for the proceedings of the Commission. If there is a conflict, these rules shall apply.

2. Types of Meetings

- 2.1 Commission Meetings:** The Commission shall meet as needed on the ~~fourth~~^{final} Thursday of each month at ~~5~~⁶:00 p.m., additional meetings may also be scheduled when necessary. The Commission may reschedule meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at City Hall, unless specified otherwise by a majority vote of the Commission. All meetings shall be public.
- 2.2 Attendance of Media at Commission Meetings:** All official meetings of the Commission shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.
- 2.3 Meeting Cancellation:** The City may cancel a regularly scheduled Commission meeting provided that Commission meets at least once per month for not less than nine months in each year, as provided by RCW 35.63.040.

3. Chair and Duties

- 3.1 Chair:** A Chair shall be elected by a majority of Commissioners and shall preside as Chair at all meetings of the Commission. A Vice-Chair shall also be elected by a majority of Commissioners and shall preside in the absence of the Chair. In the absence of both the Chair and Vice-Chair, the Planning Director or designee shall preside.
- 3.2 Call to Order:** The meetings of the Commission shall be called to order by the Chair or, in his/her absence, by the Vice-Chair. In the absence of both the Chair and Vice-Chair, the meeting shall be called to order by the Planning Director or designee for the election of a temporary Chair.
- 3.3 Preservation of Order:** The Chair shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.
- 3.4 Points of Order:** The Chair shall determine all points of order, subject to the right of any member to appeal to the Commission. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"
- 3.5 Questions to be Stated:** The Chair shall state all questions submitted for a vote and announce the result.

4. Orders of Business and Agenda

- 4.1 Order of Business:** The order of business for all regular meetings shall be transacted as follows unless the Commission, by a majority vote of the members present, suspends the rules and changes the order:
1. Call to Order, Pledge of Allegiance and Roll Call
 - A. ~~Additions to the Agenda~~
 - A. Excused Absences
 - ~~B.2. Additions to the Agenda~~
 - ~~2.3. Interested Citizens: Audience Requests and Comments~~ Approval of Minutes
 - ~~3.4. Approval of Minutes~~ Interested Citizen Comments
 - ~~4.5. Staff Reports~~ Scheduled Items
 - ~~5.6. Scheduled Items~~ Commission Members Comments or Concerns
 7. Public Workshops Adjournment
 8. Commission Members' Comments or Concerns
 9. Interested Citizens: Audience Requests and Comments
 10. Conclusion
 - ~~6. —~~
- 4.2 Commission Agenda:** Staff shall prepare the agenda for Commission meetings. Subject to the Commission's right to amend the agenda, no legislative item shall be voted upon which is not on the Commission agenda.
- 4.3 Commission Members Comments and Concerns:** The agenda shall provide a time when any Commissioner ("Commissioner Comments") may bring before the Commission any business that he/she feels should be deliberated upon by the Commission. These matters

need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent Commission meeting, except that immediate action may be taken upon a vote of a majority of all members of the Commission. There shall be no lectures, speeches, or grandstanding.

5. Consensus and Motions

5.1 Consensus Votes: When a formal motion is not required on a Commission action or opinion, a consensus voice vote will be taken. The Chair will state the action or opinion and each Commissioner will vote by saying “aye” or “nay”

~~8.1~~ ~~5.2~~—**Motions:** No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Commissioner, the Recorder shall read it before it is debated and, by the consent of the Commission, may be withdrawn at any time before action is taken on the motion.

~~8.1~~ ~~5.3~~—**Votes on Motions:** Unless abstaining, each member present shall vote on all questions put to the Commission except on matters in which he/she has been disqualified for a conflict of interest or under the appearance of fairness doctrine. Such member shall disqualify himself/herself prior to any discussion of the matter. When disqualification of a member or members results or would result in the inability of the Commission at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent or who had been disqualified under the appearance of fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

5.4 Motions to Reconsider: A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same meeting unless the Planning Commission is in session and then the motion can be made on the next succeeding day within the session on which a business meeting is held.~~A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding meeting.~~

6. Public Hearing Procedures

6.1 Speaker Sign-In: Prior to the start of a public hearing, the Chair may request that all persons wishing to be heard sign in, giving their name and whether they wish to speak as a proponent, opponent, or from a neutral position. Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Commission, may establish time limits and otherwise control presentations. (Suggested time limit is three minutes per speaker or five minutes when presenting the official position of an organization or group.) The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

6.2 Conflict of Interest/Appearance of Fairness: Prior to the start of a public hearing, any Commission member who has a conflict of interest, or an Appearance of Fairness Doctrine

concern, which could prohibit the Commission member from participating in the public hearing process shall step down. The Commission member who has stepped down shall not participate in the Commission decision nor vote on the matter. Nothing herein shall be interpreted to prohibit a Commission member from stepping down in order to participate in a hearing in which the Commission member has a direct financial or other personal interest.

6.3 The Public Hearing Process: The Chair introduces the agenda item, opens the public hearing, and announces the following Rules of Order:

(8) ~~(1)~~ — All comments by proponents, opponents, or other members of the public shall be made from the podium; any individuals making comments shall first give their name and address.

(2) No comments shall be made from any other location. Anyone making “out of order” comments shall be subject to removal from the meeting.

(3) There will be no demonstrations during or at the conclusion of anyone’s presentation.

(4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right of free speech.

* The Chair calls upon city staff to describe the matter under consideration.

* The Chair calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.

* The Chair inquires as to whether any Commission member has questions to ask the proponents, opponents, speakers, or staff. If any Commission member has questions, the appropriate individual will be recalled to the podium.

* The Chair continues the public hearing to a time specific or closes the public hearing.

7. Duties and Privileges of Citizens

7.1 Meeting Participation: Citizens are welcome at all Commission meetings and are encouraged to attend and participate prior to the deliberations of the Commission. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Commission member, or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting.

7.2 Under agenda item “Public Comments” citizens may address any City item they wish to discuss with the Commission. They shall first obtain recognition by the Chair, state their name, address if they are a resident of Medical Lake, and subject of their comments. The Chair shall then allow the comments, subject to a three (3) five (5) minute limitation per speaker or other limitations as the Chair or Commission may deem necessary. A citizen wanting to provide an educational presentation shall be subject to a fifteen (15) minute limitation. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or City Council for action or investigation and report at a future meeting.

Manner of Addressing the Commission – Time Limit: Each person addressing the Commission shall step up to the podium, give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Commission, shall limit his/her remarks to three (3) minutes. Agenda item “Public Comments” shall be limited to a total of thirty (30) minutes unless additional time or less time is agreed upon by the Commission (dependent upon the length of the Commission agenda). All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Chair, members of the Commission, and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. No questions shall be asked of the Commission members or staff except through the Chair. The Commission will then determine the disposition of the issue (information only, place on present agenda, workshop, a future agenda, assign to staff, assign to Council, or do not consider).

7.3 Personal and Slanderous Remarks: Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Commission may be requested to leave the meeting and may be barred from further audience before the Commission during that Commission meeting by the Chair or Presiding Officer.

7.4 “Out of Order” Comments: Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous, or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the meeting.

7.5 Written Communications: Interested parties, or their authorized representatives, may address the Commission by written communication in regard to any matter concerning the city’s business or over which the Commission had control at any time. The written communication may be submitted by direct mail, electronic mail by 2:00 p.m. on the day of the meeting or by addressing the communication to the staff who will distribute copies to the Commission members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the Commission.

These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. Suspension and Amendment of These Rules

8.1 Suspension of These Rules: Any provision of these rules not governed by the city code may be temporarily suspended by a vote of a majority of the Commission.

8.2 Amendment of These Rules: These rules may be amended or new rules adopted by a majority vote of all members of the Commission, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Commission meeting.

**Public Participation:
Tips for Talking with the Commission**

Public Comments

The following guidelines are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

- The Planning Commission welcomes participation in all public meetings. Arrangements for a sign language interpreter, hearing assistance, and other assistance can be made by calling the City at [509 565-5000](tel:5095655000)~~(360) 835-8501~~.
- When you feel strongly about a public issue or local concern, the Commission encourages you to share your information and thoughts with them. If you are unable to attend a meeting or would rather not give testimony at the meeting, you are encouraged to send/fax a letter or e-mail that would be made a part of the official record. Mail your letter to the Planning Commission c/o [Planning Department](mailto:Planning@cityofwashougal.gov)~~Community Development Director~~ at [124 S Lefevre Street, Medical Lake](mailto:124S.Lefevre.Street@cityofwashougal.gov)~~1701 C Street Washougal, WA 9902298671~~. The fax number is [509 565-5008](tel:5095655008)~~(360) 835-8808~~. E-mails may be sent to city@medical-lake.org~~mitch.kneipp@cityofwashougal.gov~~
- To speak during the Commission meeting under Public Comments you should sign up in advance. You will be asked to speak from the podium and to state your name, address, and topic for the record. You may speak on any City item and/or concern not scheduled for a public hearing.
- If you want to speak on the topic at a public hearing scheduled for that evening, you must comment during the public hearing portion of the meeting.
- When you speak with the Commission, step up to the podium and identify yourself by stating your name, address, and topic. Be sure to speak into the microphone clearly and address your comments to the Chair.
- During the Public Comment portion of the Commission meeting, your individual comments are limited to three [\(3\)](#) minutes and the total time for all public comments is limited to [thirty \(30\)](#) minutes. These are guidelines to help Commission members hear as many different viewpoints as possible in the limited time available. If you are speaking for a group, you must tell the Commission how the group developed the position you are presenting.
- If previous speakers have already made the comments you wish to make, feel free simply to identify yourself and indicate your agreement with what has already been said.

**Suggested Presentation Model for
Precise, Well Organized Proposals**

- Point.** What is the idea you wish to present? Begin with an “I statement” outlining your idea, such as, “I am here to (support/oppose)...”
- Reason.** Why you are making this point. This is an important step so the listener does not make assumptions about your motives.
- Example.** Brief and relevant example to clarify and make your point concrete.
- Summary.** What condition will be changed or improved if your point is adopted?
- Action.** (If appropriate, depending on the situation.) What needs to be done and who will do it.

Public Hearings

A public hearing offers you a formal opportunity to give your views to the Commission on the subject of the hearing.

- To give testimony, step up to the podium and identify yourself by stating your name and address for the record. When you talk to the Commission during a public hearing, Commission members, staff, and the audience will remain silent. After the last person has spoken, the hearing will be closed. The Commission will then discuss and will often make a decision on the issue.
- The audience may not comment during the Commission's deliberations unless a Commission member requests more information from a citizen.
- Again, you are also encouraged to submit your written communications on the subject to the Planning Commission care of the [Planning Department](#)~~Community Development Director~~ before the meeting so they can be included in the record and distributed to the Commission.



City of Medical Lake
124 S. Lefevre St.
P.O. Box 369
Medical Lake, WA 99022-0369

Notice of Public Hearing and
Mitigated Determination of Non-Significance (MDNS)

Date of Issuance: March 8, 2023

Description of Proposal: Notice of Hearing is issued for a text amendment, LU 2022-004 TA. The proposed non-project legislative action is to amend section 17.42.030 – Shipping containers as storage buildings prohibited, of the Medical Lake Municipal Code. The current code prohibits the placement of storage containers in the City of Medical Lake except for storage on active construction sites. The proposed text amendment would allow shipping containers in the commercial zone C-1 under certain circumstances.

Proponent: Larry Stoker, Monark Self Storage, 711 Highway 902, Medical Lake, WA 99022

Location of Proposal: Properties within the corporate boundaries of the City of Medical Lake

Lead Agency: City of Medical Lake, Planning Department

Threshold Determination: The lead agency has determined that this non-project action proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This MDNS is issued under WAC 197-11-340(2); the City of Medical Lake will not act on this proposal for 14 days from the date of this notice.

Written Comments: Written comments on this threshold determination must be submitted on or before **2:00 p.m., March 23, 2023** to the project contact listed below.

Mitigation: To address topic D.5 of the SEPA Checklist, “How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans,” the following mitigation is required:

1. The proposed text amendment allowing shipping containers must have additional standards to mitigate for the original aesthetic of the container. Standards to be addressed are the location of the container on a property, screening of the container from adjacent properties and rights-of-way, use of the container, number of containers, and color, size and condition of the container.

Public Hearing: A public hearing is scheduled before the Planning Commission on **Thursday, March 23, 2023 at 5 p.m.**

Appeals: Appeals of this environmental determination may be made per the procedures outlined in MLMC 16.10.420.

Documents: Documents associated with this proposal can be viewed on the City of Medical Lake website, at: www.medical-lake.org, under Planning Commission Agendas, March 23, 2023 or may be reviewed at the City of Medical Planning Department, 124 S Lefevre Street, Medical Lake, WA 99022

Contact Person: Please direct any comments concerning this threshold determination to: Elisa Rodriguez, City Planner P.O. Box 369, Medical Lake, WA 99022; 509-565-5019; erodriguez@medical-lake.org.

SEPA Responsible Official: Sonny Weathers, City Administrator

Signature



Exhibits:

- A. SEPA Checklist with Applicant and City Response
- B. Zoning Map

Distribution List:

State Agencies:

Department of Archeology and Historic Preservation: sepa@dahp.wa.gov

Department of Commerce: Reviewteam@commerce.wa.gov

Department of Ecology: JSIK461@ECY.WA.GOV

Department of Fish and Wildlife: teamspokane@dfw.wa.gov

Department of Health: dorthy.tibbetts@doh.wa.gov

Department of Natural Resources: sepacenter@dnr.wa.gov

Department of Social and Health Services: hubenbj@dshs.wa.gov

Department of Transportation: figgg@wsdot.wa.gov

Washington State Parks: randy.kline@parks.wa.gov

Local Agencies:

Eastern State Hospital: dean.davis@dshs.wa.gov

Medical Lake School District: cmoss@milsd.org

Spokane Clean Air: jsouthwell@spokanecleanair.org

Spokane County Building and Planning Department: tmjones@spokanecounty.org

Spokane County Fire District 3: abollar@scfd3.org

Spokane County Sheriff: mkittilstved@spokanesherriff.org

Spokane Regional Health District: emeyer@srhd.org

Spokane Regional Transportation Council: rstewart@srtc.org

Spokane Transit: kkotterstrom@spokanetransit.com

Utilities:

Avista: Eric.Grainger@avistacorp.com

Century Link: Robert.goede@centurylink.com

Davis Communications: timothygainer@netscape.net

Other:

Cheney Free Press: jmac@cheneyfreepress.com

Greater Spokane: skey@greaterspokane.org

West Plains Chamber of Commerce: mark@westplainschamber.org

SEPA ENVIRONMENTAL CHECKLIST

A. Background

1. Name of proposed project, if applicable:

Applicant Response: Text Amendment to Medical Lake City Code Section 17.42.020 to allow Shipping containers in Medical Lake C-2 Commercial Zone

City Response: Application LU 2022-004 TA (Text Amendment)

2. Name of applicant:

Applicant Response: Larry Stoker owner of Monark Self Storage

3. Address and phone number of applicant and contact person:

Applicant Response: 19317 E. Augusta Lane, Spokane Valley, WA 99016. 208-964-5009

4. Date checklist prepared:

Applicant Response: 10/16/2022

City Response: 03/02/2023

5. Agency requesting checklist:

Applicant Response: City of Medical Lake

6. Proposed timing or schedule (including phasing, if applicable):

Applicant Response: Immediately after approval by city of amendment and appropriate building permit. Next 6 months.

City Response: A public hearing will be held at the Planning Commission on March 23, 2023. A decision by the City Council will likely be within 3 months of that date.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Applicant Response: Addition of Shipping containers

City Response: If approved, shipping containers within the City of Medical Lake that were placed without permit will be required to comply with the new code.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Applicant Response: None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Applicant Response: Yes request is being made to modify city code of Medical Lake to allow placement of shipping containers on C-2 Commercial property

10. List any government approvals or permits that will be needed for your proposal, if known.

Applicant Response: building permit

City Response: The proposal is for a text amendment, no development is being proposed at this time.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Applicant Response: Placement of new shipping containers in C-2 Zone in Medical Lake

City Response: The applicant is proposing new language for MLMC section 17.42.030 (See Exhibit A). Currently, the MLMC prohibits shipping containers under all circumstances except as temporary storage for active construction sites. The proposed language would allow storage containers in a commercial zone as long as they met certain requirements.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Applicant Response: Amendment only applies to C-2 zoning adjacent to Wa-902 area. (See Exhibit B)

City Response: The proposed language would allow shipping containers in the C-1 (commercial) zone. Currently, there is C-1 zoning along Highway 902 and in the Central Business District.

C. Signature The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signer __ Larry Stoker

Position Owner Monark Self Storage LLC Date Submitted: _____

D. Supplemental sheet for nonproject actions

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Applicant Response: Amendment will not increase toxic discharge of any kind or produce significant noise increase.

City Response: Shipping containers do not inherently discharge, emit, or release toxic or hazardous substances. If a storage container is to be used to store hazardous substances, it will be regulated by the International Fire Code.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Applicant Response: None. Site surface is already graveled surface.

City Response: Storage containers are not likely to affect plants, animals, fish, or marine life any more or less than other structures already allowed in the city. If there is a request to place a container in an environmentally sensitive area, a critical area review would be required.

3. How would the proposal be likely to deplete energy or natural resources?

Applicant Response: It will reduce the amount of resources required to add commercial storage in C-2 Zones.

City Response: Shipping containers, nor their placement are likely to deplete energy or natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Applicant Response: Not Applicable

City Response: The proposal is to allow shipping containers in the commercial zone C-1. If an applicant requests to place a shipping container in an environmentally sensitive area, a critical area review would be required.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Applicant Response: Not Applicable

City Response: The proposal is to allow shipping containers in the commercial zone C-1. Placement of a shipping container will still be subject to the Shoreline Management Plan. Shipping containers, being manufactured for transportation have a distinct aesthetic that is not compatible with the built environment. The first goal in the City of Medical Lake Comprehensive Plan is to “Maintain an attractive and balance mix of land uses ensuring the character of the community.” To meet this goal, the proposed text amendment allowing shipping containers must have additional standards to mitigate for the original aesthetic of the container. Standards to be addressed are the location of the container on a property, screening of the container from adjacent properties and rights-of-way, use of the container, number of containers, and color, size and condition of the container.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Applicant Response: None

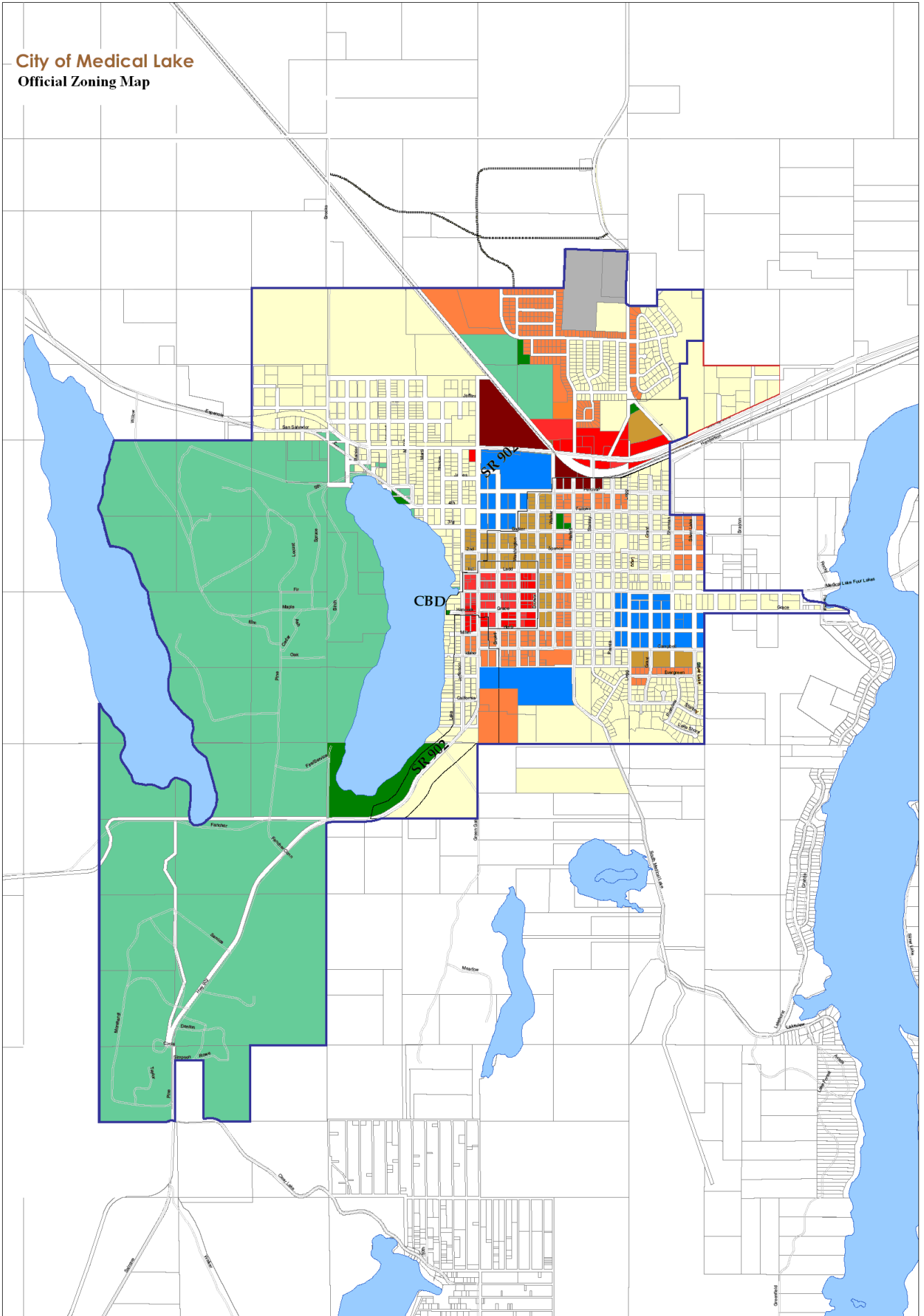
City Response: The placement of shipping containers is unlikely to increase the demands on transportation or public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Applicant Response: No conflict

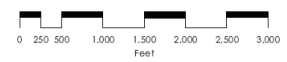
City Response: There is no known conflict with local, state, or federal laws.

City of Medical Lake
Official Zoning Map



City of Medical Lake Official Zoning Map

- | | | |
|----------------------------|----------------------|---------------|
| Medical Lake City Boundary | Commercial | Multi-Family |
| Proposed UGA | Public/Institutional | Two-Family |
| Light Industrial | Mixed-Use | Single-Family |



Pam McBroom, Finance Director
City of Medical Lake

Date

subject to ongoing changes and is not warranted for accuracy. This document should serve as a starting point for your investigation or inquiry. Legal documents should be obtained from the appropriate agency before taking any action.





City of Medical Lake Planning Department
124 S. Lefevre St.
Medical Lake, WA 99022
509-565-5000
www.medical-lake.org

STAFF REPORT TO THE PLANNING COMMISSION

File: LU 2022-004 TA (Text Amendment)

Date of Staff Report: March 8, 2023

Date of Hearing: March 23, 2023

Staff Planner: Elisa Rodriguez 509-565-5019 or erodriguez@medical-lake.org

SEPA: A SEPA review is required.

Procedure: This request requires a legislative review; therefore, the Planning Commission will hold a public hearing, then make a recommendation to the City Council. The City Council will make the final decision.

Applicant: Larry Stoker, Monark Self Storage, 711 Highway 902, Medical Lake, WA 99022

Proposal Summary: The applicant proposes to amend section 17.42.030 – Shipping containers as storage buildings prohibited, of the Medical Lake Municipal Code to allow shipping containers in the C-1 zone as long as they meet certain requirements.

PROPOSAL

The applicant proposes to change section 17.42.030 – Shipping containers as storage buildings prohibited, from

(current text)

Unless otherwise permitted by this title, no person shall place or cause to be placed, or use or permit the use of any shipping container as an accessory building, storage building, living unit or any other such primary or accessory building upon any property within the city limits of Medical Lake; provided, that licensed and bonded contractors may utilize said containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit. For the purposes of this chapter, "shipping container" is defined as any container or other device used or designed for use in the transportation industry.

To

(proposed text)

- A. Unless otherwise permitted by this title, no person shall place or cause to be placed, or use or permit the use of any shipping container as an accessory building, storage building, or living units within the city limits of Medical Lake except in the [C-1] zones.
1. Shipping containers are permitted to be placed within the [C-1] zones as accessory buildings or storage units, provided that the containers are no more than 40 feet in length, maintained and in good shape (i.e., painted, not rusted out), and are located in the rear/back of property or enclosed in a fence and visually obscured from public sight ROW on Hwy 902. Containers may be placed as authorized by a city building permit.
- B. Licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit. For purposes of this chapter “shipping container” is defined as any container or other device used or designed for use in the transportation industry

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the criteria of Chapter 17 of the Medical Lake Municipal Code (MLMC). Amendments to development regulations can be approved if the review body finds that the criteria of MLMC Chapter 17.56.100 have been met.

PROCEDURAL HISTORY

October 26, 2022 – Application Submitted

November 22, 2022 – Application Deemed Complete

January 26, 2023 – Workshop at Planning Commission

February 23, 2023 – Workshop at Planning Commission

March 8, 2023 – Notice of Application Distributed

March 9, 2023 – Notice of Public Hearing Published in Cheney Free Press

ANALYSIS

The current text of section 17.42.030 – Shipping containers as storage buildings prohibited, was adopted in 1999. No copy of this ordinance or its supporting documents has been found. The current text prohibits shipping containers in every situation except for active construction sites where they are allowed for storage. The applicant, after receiving a letter of violation for placing numerous shipping containers on his mini-storage site, applied for this text amendment in hopes of remedying the situation. The proposed text would allow shipping containers in the commercial zone C-1. Properties with this zoning designation are along Hwy 902 and in the Central Business District. The proposed text provides some standards for the location on the site, size, condition of the container, and screening from other properties. The proposed text does not limit the number of shipping containers per site.

ZONING CODE APPROVAL CRITERIA

17.56.020 - Purpose.

This section shall apply to initial adoption of the comprehensive plan and subsequent adoption of amendments or additional elements to the comprehensive plan. The purpose of this chapter is to establish a procedure pursuant to the requirements of RCW 36.70A of the Growth Management Act for the amendment or revision of the city comprehensive plan and development regulations.

17.56.100 – Criteria for Regulation of Plan Amendments.

Recognizing that the comprehensive plan was developed and adopted after significant study and public participation, the principles, goals, objectives and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The approval, modification or denial of an amendment application by the planning commission shall be evaluated on the following criteria:

1. The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

Findings: The proposed text amendment does not intend to resolve any inconsistencies between local, state, or federal plans or regulations. Therefore, **this criterion is not applicable.**

2. The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

Findings: The Medical Lake Comprehensive Plan does not specifically address the placement of shipping containers within the City Limits. The current Medical Lake Municipal Code states that shipping containers are prohibited except when used for storage at active construction sites. The proposed text amendment is to allow shipping containers in the commercial zone C-1.

The applicant has stated in his response to the criteria that the “skyrocketing” cost of building supplies has led him and other business owners to prefer shipping containers for storage due to their lower cost. According to the Association of Builders and Contractors, building materials have increased by approximately 40% since the beginning of the pandemic.

The Comprehensive Plan does not have a goal that specifically pertains to existing businesses. Goals mention an adequate supply of land for new development, the widening of employment opportunities, and attracting more recreation and tourism businesses. The chapter pertaining to economic development states that an issue for Medical Lake is, “maintaining and enhancing economic vitality.” However, this is not expanded upon.

The appearance of the community is a consistent theme throughout the Comprehensive Plan. Goal #1 of the Comprehensive Plan states, “Maintain an attractive and balanced mix of land uses, ensuring the future character of the community.” Goal #25 states, “Manage the city’s overall image and enhance its overall appearance to convey pride and ownership in the community.

Shipping containers, having been built for durability in transportation, have a very unique look that is difficult to disguise. This aesthetic is considerably different from those businesses and residences in the community. Allowing shipping containers with no limitation in number, even if only in the Commercial C-1 Zone, has the potential of causing a significant and negative change to the overall appearance of Medical Lake. Hence, this proposal is not further implementing the comprehensive plan and **this criterion is not met.**

3. Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

Findings: The Medical Lake Comprehensive Plan was updated in 2019. Since that time, Medical Lake, like the rest of the world, has experienced the repercussions of the COVID-19 pandemic. The Comprehensive Plan does not address many of the results from the pandemic. One of these is the economic conditions for construction. The price of materials, delays in supply chains, and labor shortages have led to an increased cost in construction. According to the applicant, “Since 2019 the costs on new buildings and materials has skyrocketed. Lumber up 400%, metal up 250%. Fuel & shipping up 250%. Allowing newer shipping containers for commercial storage purposes help us and small businesses in Medical Lake obtain strong, quality storage units at under half of the cost of new construction.” Considering the Comprehensive Plan and Municipal Code were written in better economic times, it is reasonable to look at shipping containers as a cheaper alternative to storage buildings.

However, despite the economic struggles of local businesses to provide storage space at a reasonable price, that does not change the goals in the Comprehensive Plan that speak to appearance of the community. As stated in the findings of criterion #2, there is a running theme in the Comprehensive Plan that demonstrates the importance of attractive appearance to the community. Conditions have not

changed in such a way that Medical Lake is willing to forsake its character for the benefit of storage. For these reasons, **the criterion is not met.**

4. Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a twenty-year supply.

Findings: The proposed text amendment is not asking to change any zoning designations or increase the amount of land within the city. Hence, there is no change to the 20-year land supply. For this reason, **this criterion is met.**

5. If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary. the following additional criteria must be met:
 - a. The proposal must be in response to an immediate threat to public health or safety;
 - b. The proposal is necessary for the protection of the aquifer(s) designated pursuant to RCW 36.70.A170; and
 - c. The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.

Findings: The proposed text amendment does not involve the extension of water and/or sewer services outside of the urban growth boundary, therefore, **this criterion is not applicable.**

6. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

Findings: The Comprehensive Plan does not have a goal that specifically pertains to existing businesses. Goals mention an adequate supply of land for new development, the widening of employment opportunities, and attracting more recreation and tourism businesses. The chapter pertaining to economic development states that an issue for Medical Lake is, “maintaining and enhancing economic vitality.” However, this is not expanded upon.

The appearance of the community is a consistent theme throughout the Comprehensive Plan. Goal #1 of the Comprehensive Plan states, “Maintain an attractive and balanced mix of land uses, ensuring the future character of the community.” Goal #25 states, “Manage the city’s overall image and enhance its overall appearance to convey pride and ownership in the community.”

Shipping containers, having been built for durability in transportation, have a very unique look that is difficult to disguise. This aesthetic is considerably different from those businesses and residences in the community. Allowing shipping containers with no limitation in number, even if only in the Commercial C-1 Zone, has the potential of causing a significant and negative change to the overall appearance of Medical Lake. Hence, this proposal is not further implementing the comprehensive plan and **this criterion is not met.**

7. The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multicounty planning policies.

Findings: Neither the Growth Management Act nor the Spokane County Countywide Planning Policies speak directly to the subject of shipping containers. The planning goals of the Growth Management Act states we should, “promote the retention and expansion of existing businesses.” The statement of principals in the Countywide Planning Policies speaks to both the unique character of each community and the need to maintain the economic vitality of those communities. The proposed text amendment does not create any inconsistencies with the Growth Management Act or the Spokane County Countywide Planning Policies, therefore, **this criterion is met.**

8. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

Findings: The proposal does not include amendments to the comprehensive plan map, therefore, **this criterion is not applicable.**

9. Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the comprehensive plan to provide the necessary facilities.

Findings: The proposed text amendment to allow shipping containers in the C-1 zone is only applicable on sites that are already developed. The text specifies that the shipping container is an accessory structure, therefore not the primary building on the site. Being accessory in nature, the placement of shipping containers is unlikely to have a significant impact on the public facilities, infrastructure, and transportation system. For these reasons, **this criterion is met.**

10. The proposed amendment is complimentary and compatible with adjacent land uses and the surrounding environment.

Findings: The proposed text amendment is to allow shipping containers in the commercial zone C-1. Shipping containers have a unique design as a result of their use in the transportation industry. This steel box aesthetic is difficult to disguise in a community of mainly wood construction. The C-1 Zone is located along Highway 902 from the east city limit to the railroad track just west of N Stanley Street and in the 12 blocks designated as the Central Business District (CBD). The Municipal Code has many standards for the CBD to create an aesthetically pleasing and pedestrian friendly environment. A shipping container, which is industrial in nature, is not complimentary or compatible with the CBD. In addition, being a small community, any shipping container is likely to be adjacent to or viewed from residential areas. Allowing shipping containers without the benefit of limits in number, screening, or color will create incompatibility with neighboring residential areas. For these reasons, **this criterion is not met.**

11. The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long term commercial significance or critical areas.

Findings: The proposed text amendment is to allow shipping containers in the commercial zone C-1. The land within the City of Medical Lake that is zoned C-1 does not contain agricultural and/or resource lands of long-term commercial significance. Properties that are zoned C-1 and have critical areas will be

subject to chapter 17.10 – Critical Areas of the Medical Lake Municipal Code. Hence, the proposal does not adversely affect these resources and, therefore, **this criterion is met.**

CONCLUSION

The proposed text amendment to allow shipping containers in the C-1 Zone under certain circumstances is the applicant's response to increased building material costs. The City recognizes the Comprehensive Plan and the Municipal Code do not take into account changes in the economy due to the COVID-19 pandemic. While sympathizing with local businesses, shipping containers have a distinct industrial look that is not compatible with development in Medical Lake. To allow shipping containers would be in contradiction to the Comprehensive Plan mandate of maintaining an attractive community. For this reason, this application cannot be approved.

RECOMMENDATION

The approval criteria set out in MLMC 17.56.100 have been reviewed and completed. Therefore, the planning official recommends that the Planning Commission deny the proposed text amendment to Section 17.42.030 of the Municipal Code.

The Planning Commission may choose to do one of the following:

Recommend denial of the proposed text amendment as presented in the staff report.

Recommend approval of the proposed text amendment, as written, with a statement of how the approval criteria are met.

Recommend approval of the proposed text amendment, with changes and a statement of how these changes allow the approval criteria to be met.

EXHIBITS

- A. Application Materials
 - 1. Letter from Applicant (attached)
 - 2. Proposed Language
 - 3. SEPA Checklist
 - 4. Response to Approval Criteria (attached)
 - 5. Zoning Map
- B. Public Notifications
 - 1. Notice of Application
 - 2. Legal Notice, Published in Cheney Free Press on March 9, 2023
- C. SEPA
 - 1. SEPA Checklist with City Response
 - 2. Mitigated Determination of Non-Significance

From Monark Self Storage

The modification to section 17.42.020 is patterned after the recent change made by Cheney City to their code which is included allowing use of shipping containers in Commercial zones.

We have sponsored this requested amendment to help Medical Lake businesses succeed and reflect today's changing economic conditions for our business and to benefit our customers. Since 2019 the costs on new buildings and materials has skyrocketed. Lumber up 300%, metal up 300%, Fuel & shipping up 250%. Allowing newer shipping containers for commercial storage purposes help us and small businesses in Medical Lake obtain strong, quality storage units at under half of the cost of new construction. We will be able to pass on lower rent costs to our customers.

The amendment will let Monark place new shipping containers in our 55 ft wide rear driveways which were originally designed for RV storage but are now used for enclosed storage only. The 8 ft wide shipping containers are narrow enough to fit in those rear driveways to provide lower cost, quality storage space, Thus helping us to provide more economical storage options for customers. All units are new and will be appropriated approved thru building permit and appropriately screen from view to SR 902 by tall buildings and commercial fence.

Sincerely,
Larry Stoker
Owner Monark Self Storage

Response to 17.56.100 - Criteria for evaluation of plan amendments.

The justification for the proposed amendment to Section 17.42.030 entitled Shipping Containers as storage buildings.

(1) The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

The amendment is not intended to resolve any inconsistencies between local, state or federal ordinances.

(2) The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

This amendment allows Medical Lake to cooperate with local private business and support changing economic conditions ie: skyrocketing (building materials, fuel and transportation) affecting small businesses like Monark Self Storage. It allows use of new shipping containers properly shielded from view of SR-902 that provides lower cost storage in the C-2 Commercial zone adjacent to SR-902. While requiring appropriate visually shielding from SR-902 by buildings or fence to meet beautification enhancement goals along SR 902

This is an opportunity to cooperate with private development interests. By being responsive to the current business climate Medical Lake is encouraging existing and new business to succeed in the commercial corridor. Business that can provide affordable services to the community. The nearby city of Cheney is adopting a similar ordinance change about shipping containers. This amendment is patterned after the one recently adopted by the Cheney City Council.

(3) Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

Since 2019 the costs on new buildings and materials has skyrocketed. Lumber up 400%, metal up 250% Fuel & shipping up 250%. Allowing newer shipping containers for commercial storage purposes help us and small businesses in Medical Lake obtain strong, quality storage units at under half of the cost of new construction.

(4) Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a twenty-year supply.

This amendment does not change zoning acreage in city.

(5) If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary. the following additional criteria must be met:

- (A) The proposal must be in response to an immediate threat to public health or safety;
- (B) The proposal is necessary for the protection of the aquifer(s) designated pursuant to RCW 36.70.A170;
- (C) The proposal is necessary to maintain existing levels of service in existing developments.

Not Applicable to this amendment.

(6) The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

Yes the amendment is consistent with plan goals. It addresses supporting local businesses in a changing economic environment while containing provisions to maintain quality and visual appearance along the SR 902 corridor. This amendment only affect C-2 commercial corridor adjacent to SR 902. It does not change the prohibited use of shipping containers in residential zoning

(7) The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multicounty planning policies.

Yes This amendment does not change other county planning or city planning. All other policies remain intact.

(8) Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

Not applicable to amendment

(9) Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the comprehensive plan to provide the necessary facilities.

The amendment will not increase load on city infrastructure.

(10) The proposed amendment is complimentary and compatible with adjacent land uses and the surrounding environment.-

Yes The amendment contains provisions to obscure visual site of containers behind fence and buildings from SR 902. All containers are in good repair and well painted.

(11) The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long term commercial significance or critical areas.

No